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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,275	10/22/2003	Yasuji Yamasaki	117145	4581
25944	7590	07/22/2005		EXAMINER
OLIFF & BERRIDGE, PLC				VU, HUNG K
P.O. BOX 19928				
ALEXANDRIA, VA 22320			ART UNIT	PAPER NUMBER
			2811	

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/690,275	YAMASAKI ET AL.
Examiner	Art Unit	
Hung Vu	2811	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 April 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) Claim(s) 15 is/are allowed.
- 6) Claim(s) 1,2,4,5,16 is/are rejected.
- 7) Claim(s) 6-14 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/22/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of Invention of species I, Figures 4, claim 1, 2 and 4-16, in the reply filed on 04/22/05 is acknowledged. The traversal is on the ground(s) that the search and examination of the entire application could be made without serious burden since the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. This is not found persuasive because it is well settled that related inventions are restrictable if it is shown that these inventions distinct. It was clearly established that these inventions are in fact distinct.

The requirement is still deemed proper and is therefore made FINAL.

2. Claim 3 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 04/22/05.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kenichi (JP 2002-156652, of record).

Kenichi discloses, as shown in Figures 1-21, an electro-optical device comprising:

data lines (6a) extending in a first direction above a substrate;  
scanning lines (3a) extending in a second direction and intersecting with the data lines;  
pixel electrodes (9a) and thin film transistors disposed corresponding to intersections of the data lines and the scanning lines;  
storage capacitors (70) electrically connected to the thin film transistors and the pixel electrodes;  
a shielding layer (43) disposed between the data lines and the pixel electrode,  
one of a pair of electrodes forming each of the storage capacitors being formed of a multi-layered film containing a low resistance film.

Regarding claim 2, Kenichi discloses the multi-layered film being formed of a light-absorbing film as a bottom layer and a light-reflecting film as a top layer.

Regarding claim 16, Kenichi discloses, as shown in Figures 1-21, an electronic apparatus, comprising:

an electro-optical device including as part of a laminated structure:  
data lines (6a) extending in a first direction above a substrate;  
scanning lines (3a) extending in a second direction and intersecting with the data lines;

pixel electrodes (9a) and thin film transistors disposed corresponding to intersections of the data lines and the scanning lines;

storage capacitors (70) electrically connected to the thin film transistors and the pixel electrodes;

a shielding layer (43) disposed between the data lines and the pixel electrode, one of a pair of electrodes forming each of the storage capacitors being formed of a multi-layered film containing a low resistance film.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenichi (JP 2002-156652, of record).

Regarding claim 4, the term “the multi-layered film being formed together with the data lines as the same film” is method recitations in a device claimed. Note that only the final product is relevant, not the method of making. A product by process claim is directed to the product per se, no matter how actually made. See also MPEP 2113. Moreover, an old or obvious product produced by a new method is not a patentable product, whether claimed in “product by process” claims or not.

Regarding claim 5, Kenichi discloses all of the claimed limitations except material of the low resistance film. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the device of Kenichi having the materials as that claimed by Applicants, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

***Allowable Subject Matter***

5. Claims 6-14 are objected as being dependent on the rejected claim but would be allowed if rewritten in the independent form includes all of the limitations of the independent claim and/or any intervention claims.
6. Claim 15 is allowed.
7. The following is an examiner's statement of reasons for allowance:

Applicant's claims 6-15 are allowable over the references of record because none of these references disclose or can be combined to yield the claimed electro-optical device comprising a light-shielding portion provided at both sides of the channel region, as recited in claimed 6; an upper light-shielding film to cover the channel region of the thin film transistor at least from the top is provided; and the upper light-shielding film being at least partially formed in a recessed shape, as viewed from the channel region, in cross section orthogonal to the longitudinal direction of the channel region, as recited in claim 10; each of the scanning lines including a

main portion having a gate electrode of the thin film transistor in which the main portion being disposed in a groove formed in the substrate, and also including an in-groove portion to cover at least part of the channel region from the sides, as recited in claim 13; at least part of the scanning lines, the data lines the pair of electrodes forming the storage capacitor, and the shielding layer being formed of a light-shielding material and at least part of the scanning lines, the data lines, the pair of electrodes forming the storage capacitor, and the shielding layer forming a build-in light-shielding film in a laminated structure, as recited in claim 14; and a light-shielding film disposed between the data lines and the pixel electrodes, as recited in claim 15, in combination with the remaining claimed limitations.

*Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung K. Vu whose telephone number is (571) 272-1666. The examiner can normally be reached on Mon-Thurs 6:00-3:30, alternate Friday 7:00-3:30, Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie C. Lee can be reached on (571) 272-1732. The Central Fax Number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Vu

July 7, 2005

Hung Vu

Hung Vu

Primary Examiner